

54. ~~39.~~ The apparatus of claim 3247, wherein the energy delivery device is a resistive heating element coupled to a resistive heating source.

55. ~~40.~~ The apparatus of claim 3247, wherein the energy delivery device is a microwave probe coupled to a microwave source.

Please cancel claims 56-73.

REMARKS

These amendments and remarks are in response to the interview granted by the Examiner on June 14, 2001 regarding the Office Action dated February 12, 2001. Claims 45-55 are amended herein, and are currently pending. Claims 56-73 are canceled. Reconsideration of all pending claims is respectfully requested in view of the above amendments and the following remarks.

Applicants extend their appreciation to the Examiner for granting and conducting the interview with counsel for Applicants.

Summary of the Office Action

- I. Claims 45-47, 51, 52, 56, and 59-73 are rejected under 35 U.S.C. 102(b) in view of Makower.
- II. Claims 53-55, 57, and 58 are rejected under 35 U.S.C. 103(a) over Makower in combination with Makower et al..
- III. Claims 48-50 are rejected under 35 U.S.C. 103(a) over Makower in combination with Makower et al, as applied to claim 53-55, 57, and 58 above, and further in view of Swanson et al.

The following remarks are responsive to issues raised by the Examiner, and are presented below in the same order in which appear in the Office Action.

I. Rejections under 35 U.S.C. §102(b)

In the Office Action, claims 45-47, 51, 52, 56, and 59-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Makower. Because claims 56-73 are canceled herein, the follow remarks will be directed only to pending claims 45-47, 51 and 52.

As described in amended independent claim 45, one aspect of the present invention provides a computer system for contracting collagen fibers in a selected site of collagen containing tissue which is adjacent to a fluid medium. Makower and other cited references of record fail to describe or suggest such a system with an energy delivery device as recited in the claim to provide a selected thermal distribution in the selected site and effect a controllable contraction of at least a portion of the selected site of the collagen containing tissue. Moreover, a sensor as claimed is also provided to detect thermal energy from the selected site and from the fluid medium, wherein the sensor produces a thermal feedback signal representing a composite of the thermal energy detected from the selected site of a collagen containing tissue and from the fluid medium. The claimed feedback control system includes a programmable microprocessor having a controlled collagen contraction program, where the programmable processor is coupled to the energy delivery device and the sensor. The position of the sensor, and a geometry of the distal portion of the energy delivery device are received as input to the program to direct the programmable microprocessor in the feedback control system to provide controllable energy delivery to the selected site of the collagen containing tissue.

Similarly, computer controlled systems provided by Applicants as recited in independent claims 46-47 are not anticipated in view of the claims elements and limitations recited therein.

II. Rejections under 35 U.S.C. §103(a)

Claims 53-55, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makower in combination with Makower et al. Because claims 57 and 58 are canceled herein, the following remarks will be directed only to dependent claims 53-55.

Applicants herein amend claims 53-55 as provided above, and are now dependent upon amended independent claim 47. For the same reasons provided above, these dependent claims

directed to the energy delivery devices are allowable as being based upon an independent claim that is not anticipated or rendered obvious in view of the cited references of record.

Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatenable over Makower in combination with Makower et al as applied to claim 53-55, 57, and 58 above, and further in view of Swanson et al. Because claims 57 and 58 are herein canceled, the following remarks will be limited to dependent claims 48-50 and 53-55.

For the same reasons provided above, claims 53-55 are allowable over the cited references of record as being based upon an allowable independent claim 47 which is directed to the computer control system as recited therein. Moreover, dependent claims 48-50 directed to thermally conductive and insulative materials as recited therein are allowable as being based upon independent claim 47.

CONCLUSION

It is submitted that the present application is in form for examination and allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 17616-705).

Respectfully submitted,

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